

## **Part 4**

### **Inherent Risks of Skiing**

#### **78B-4-401 Public policy.**

The Legislature finds that the sport of skiing is practiced by a large number of residents of Utah and attracts a large number of nonresidents, significantly contributing to the economy of this state. It further finds that few insurance carriers are willing to provide liability insurance protection to ski area operators and that the premiums charged by those carriers have risen sharply in recent years due to confusion as to whether a skier assumes the risks inherent in the sport of skiing. It is the purpose of this act, therefore, to clarify the law in relation to skiing injuries and the risks inherent in that sport, to establish as a matter of law that certain risks are inherent in that sport, and to provide that, as a matter of public policy, no person engaged in that sport shall recover from a ski operator for injuries resulting from those inherent risks.

Renumbered and Amended by Chapter 3, 2008 General Session

#### **78B-4-402 Definitions.**

As used in this part:

- (1) "Inherent risks of skiing" means those dangers or conditions which are an integral part of the sport of recreational, competitive, or professional skiing, including, but not limited to:
  - (a) changing weather conditions;
  - (b) snow or ice conditions as they exist or may change, such as hard pack, powder, packed powder, wind pack, corn, crust, slush, cut-up snow, or machine-made snow;
  - (c) surface or subsurface conditions such as bare spots, forest growth, rocks, stumps, streambeds, cliffs, trees, and other natural objects;
  - (d) variations or steepness in terrain, whether natural or as a result of slope design, snowmaking or grooming operations, and other terrain modifications such as terrain parks, and terrain features such as jumps, rails, fun boxes, and all other constructed and natural features such as half pipes, quarter pipes, or freestyle-bump terrain;
  - (e) impact with lift towers and other structures and their components such as signs, posts, fences or enclosures, hydrants, or water pipes;
  - (f) collisions with other skiers;
  - (g) participation in, or practicing or training for, competitions or special events; and
  - (h) the failure of a skier to ski within the skier's own ability.
- (2) "Injury" means any personal injury or property damage or loss.
- (3) "Skier" means any person present in a ski area for the purpose of engaging in the sport of skiing, nordic, freestyle, or other types of ski jumping, using skis, sled, tube, snowboard, or any other device.
- (4) "Ski area" means any area designated by a ski area operator to be used for skiing, nordic, freestyle, or other type of ski jumping, and snowboarding.
- (5) "Ski area operator" means those persons, and their agents, officers, employees or representatives, who operate a ski area.

Renumbered and Amended by Chapter 3, 2008 General Session

#### **78B-4-403 Bar against claim or recovery from operator for injury from risks inherent in sport.**

Notwithstanding anything in Sections 78B-5-817 through 78B-5-823 to the contrary, no skier may make any claim against, or recover from, any ski area operator for injury resulting from any of the inherent risks of skiing.

Renumbered and Amended by Chapter 3, 2008 General Session

**78B-4-404 Trail boards listing inherent risks and limitations on liability.**

Ski area operators shall post trail boards at one or more prominent locations within each ski area which shall include a list of the inherent risks of skiing, and the limitations on liability of ski area operators, as defined in this part.

Renumbered and Amended by Chapter 3, 2008 General Session